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April 28, 1998

Reply to:

Vernal

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Asst. Attorney General
Dept. of Natural Resources
PO Box 146300
Salt Lake City UT 84114-6300

William R. McConkie
Office of the Solicitor
125 South State Street
Salt Lake City UT 84138

Gentlemen:

Enclosed is the proposed Interim Distribution Order that we have prepared for filing with the Court. We would appreciate it if you would respond quickly with any comments or suggestions you may have. This Order will be taken to the Court for filing at the Hearing that is to be held on May 18, 1998 at 2:00 p.m. in the courtroom of the Duchesne County Courthouse, 21554 West 9000 South, Duchesne, Utah.

Thank you for your early response in this matter.

Very truly yours,

McKEACHNIE, ALLRED &
McCLELLAN, P.C.

Gayle F. McKeachnie

GFM/jr

Enclosure

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IN THE EIGHTH JUDICIAL DISTRICT COURT OF DUCHESNE COUNTY
STATE OF UTAH

IN THE MATTER OF THE GENERAL)	
DETERMINATION OF ALL THE)	
RIGHTS TO THE USE OF WATER,)	INTERIM DISTRIBUTION
BOTH SURFACE AND UNDERGROUND,)	ORDER
WITHIN THE DRAINAGE ARE OF)	
THE UINTA BASIN IN UTAH)	
)	Docket No. 3070
)	

This matter having come before the Court on the petition of the Associated Water Users of the Uinta and Lake Fork Rivers, Inc., Whiterocks Irrigation Co., and Ouray Park Irrigation Company, pursuant to Utah Code Ann. 73-5-1 et. Seq., petitioning the Court to enter an interim distribution order governing the distribution of the water of the Uinta, Whiterocks, Lake Fork, and Yellowstone rivers and their tributaries. Petitioners also requested that the Court appoint a River Commissioner to distribute the waters of the Uinta and Whiterocks Rivers and their tributaries, and a River Commissioner to distribute the waters of the Lake Fork and Yellowstone Rivers and their tributaries, and to issue instructions

to said River Commissioners, to distribute the waters of these rivers in accordance with the interim distribution order of this Court. The Court having considered the matter, notice having been given to affected parties, and the Court being informed in the matter hereby enters this interim order.

It is hereby Ordered;

1. That Shane Hamlin is hereby appointed as River Commissioner of the Whiterocks and Uinta Rivers and that William Christensen be appointed as the River Commissioner of the Lake Fork and Yellowstone Rivers beginning March 15, 1998, for the year of 1998, and,

2. That two (2) committees are hereby established to aid and support the River Commissioners, in carrying out the orders of this court, and,

3. That the first of those committees be a three (3) member committee, to aid, support, and direct the River Commissioner of the Lake Fork and Yellowstone Rivers to consist of one representative of the Uintah Indian Irrigation project, appointed by the Superintendent of the Uintah and Ouray Indian Agency, and two representatives of the Lake Fork and Yellowstone Rivers both to be appointed by the Associated Water Users Association, a non-profit organization existing and operating in the Uinta Basin, and,

4. That the second of those committees be a three (3) member committee, to aid the Court and to support and direct the commissioner of the Uinta and Whiterocks Rivers and consist of (1) one representative of the Uintah Indian Irrigation project appointed by the Superintendent of the Uintah and Ouray Agency, (2) one representative of the water users of the Uinta River and (3) one representative of the water users of the Whiterocks River. The representative of the Uinta River to be appointed by the Associated Water Users Association, a non-profit organization existing and operating in the Uinta Basin, and the representative of the Whiterocks Water Users to be appointed by the water users of the Whiterocks River and the Ouray Park Irrigation Company, and,

5. That the River Commissioners are hereby ordered to distribute and supervise the distribution of the waters of the streams and reservoirs involved in accordance with this Court's interim orders, and to do all things necessary for the proper and correct measurement, division, and distribution of said waters covered by the decrees of the Federal District Court and the State Courts affecting said waters, and,

6. That the River Commissioners, so appointed, are directed to confer with the respective committees in planning the distribution of water, specifically, the manner in which the waters

of the various rivers and their tributaries will be distributed as directed by the Court, after consultation with State Engineers, in its interim orders, and,

7. That River Commissioners, so appointed, are directed to deliver and distribute the waters of such non-Federal water rights, in their respective rivers, in accordance with schedule "A" attached hereto, and given authority to prevent the unauthorized use of water or unauthorized adjusting or tampering with diversion head gates or other facilities, and,

8. That the waters for Federal and non-Federal water rights be distributed in accordance with the 1923 decrees, and,

9. That the River Commissioners, so appointed, are required to work with the respective committees to prepare a budget to be submitted to the Court. Said annual budgets to contain assessments made, monies received, and a report of expenditures. Said budgets are to be approved by the Court, unless objection thereto is filed by the Uintah Indian Project, water user organizations or water users within 30 days of their filing, and,

10. That upon approval by the Court, the commissioners are authorized to manage these budgets and to implement the order assessment and collection of assessed amounts from the non-Federal water user organizations or water users, and request assessment and

collection from the Bureau of Indian Affairs on the Uintah Indian Irrigation Project, in accordance with the approved budgets and schedule of assessments, and,

11. Any party who is a water user in the subject rivers, or otherwise affected by actions of the River Commissioners, may petition and appear before this court, (about the assessment amounts, the manner in which the water is distributed and any other claims relating to the distribution of water). If a violation occurs concerning the unauthorized use of water, or any other part of this petition, the River Commissioners are directed to recommend to this Court a solution to the problem including any penalty to be assessed to the unauthorized user or violator of any interim order.

13. Order that appropriate notice be given and a time set to hear any objections to this matter.

14. The Court hereby orders that the use of water on these streams, in the event any non-Federal water user fails to pay any assessments or fines levied, is prohibited.

DATED this _____ day of _____, 1998.

BY THE COURT:

District Court Judge